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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,502	06/09/2005	Nenad Milosavljevic	5451-5PUS	7025

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NEW YORK, NY 10176

EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

MAIL DATE	DELIVERY MODE
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09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,502	Applicant(s) MILOSAVLJEVIC, NENAD	
	Examiner Mark Halpern	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/9/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1) Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is not clear as to what defines a "normal pressure".

Claim 5, recites the limitation "the normal pressure" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2) Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersson (4,553,340) with or without Milosavljevic (6,189,232).

Claims 1, 9: Petersson discloses paper machine that includes a sealing device in a cylinder drier. The sealing device includes three cylinders 1a, 1b, and 1a, arranged to form a pocket space between the cylinders. Web 2 is traveling on a wire 3 around

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the cylinders in the direction of the arrows, as shown in Figure 1. Blowing box 10 is arranged in the pocket space and a shielding member 7, blowing air from slots 11 in direction 12, direction towards the traveling web, creating a sub-pressure in the area between opening nip and closing nip; free end 8 of shielding member 7 touches cylinder 1b. From Figure 1 of Petersson, it is clear that the proportion between the height of the shielding member 7 and the height of the blow box 10 is within the broad interval of 25 – 300 %. The shielding member 7, which is attached to the blow box is considered to be equivalent to the claimed wall (col. 2, line 19 to col. 3, line 55, and Figures 1-2). It is well known in the art to seal a blow box, which blows air in the direction of the travel of the web as described in Petersson, against the lowest cylinder in the pocket in order to create a sub pressure in the area between the opening nip and the closing nip following it, see for example Milosavljevic. Thus, it is considered obvious to a person skilled in the art to seal the free end (8) of the shielding member described in Petersson against the lower cylinder in order to increase the sub pressure in the area between the opening nip and the closing nip. The use of a boundary layer air doctor as sealing element is considered to be an obvious choice to a person skilled in the art. Consequently, the arrangement according to claim 1 is considered to be obvious to a person skilled in the art. Petersson and Milosavljevic disclose each element of the invention. One of ordinary skill in the art could have combined the elements by known methods since the combination of Petersson and Milosavljevic is a combination of known methods, and each element combined would have performed the same function

as it did separately, and thus one of ordinary skill in the art would have recognized that the results of the combination were **predictable**.

Claims 2-3: From Figure 1 it is clear that the height of the shielding member (7) is significantly greater than the height of the blow box in the traveling direction of the paper web. It is considered obvious to a person skilled in the art to dimension the blowbox and the shielding member appropriately.

Claims 4, 7, 8 are considered constructional details obvious to a person skilled in the art.

Claim 5: the amount of an underpressure as compared to a normal pressure is a method operational and not an apparatus limitation that would structurally differentiate over cited prior art.

Claim 6: it is considered to be obvious to a person skilled in the art, since it is well known in the art to arrange, in connection with a blow box, a flexible nozzle wall that bends elastically in fault situations.

Conclusion

3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone no. is 571-272-1190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Halpern/
Primary Examiner
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